IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 22776 of 2007(J)

PETITIONER:

S. RADHAKRISHNAN NAIR,
S/O. SIVARAMAPILLAI, AGED 56 YEARS,
KOTTAKKAKATHU HOUSE, THITTAMEL WARD, CHENGANNUR.
(RETIRED INSPECTOR, KSRTC)

BY ADV. SRI.M.R.SUDHEENDRAN
SRI.SURAJ.S

RESPONDENT:

THE MANAGING DIRECTOR, KERALA STATE
ROAD TRASNPORT CORPORATION,
THIRUVANANTHAPURAM.

BY ADV. SRI. JOHNSON P. JOHN (SC, K.S.R.T.C)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 22776 of 2007

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Dated this the 31st day of July, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner retired as Transport Inspector after thirty years of service. He seeks disbursement of Commuted Value of Pension and DCRG with interest.

2. Heard counsel for the parties.

3. Petitioner had approached this court earlier and it resulted in Ext.P1 judgment. Two grounds sought to be made out. One is that an O.A is pending before the Debt Recovery Tribunal. The court took note in Ext.P1 that the Debt Recovery Tribunal is yet to pass final orders in the O.A. In the present writ petition it is stated that the petitioner is an accused in criminal cases, C.C. No.110 of 2004 pending before the C.J.M. Court, Pathanamthitta and in C.C. No.544 of 2003 pending before the JFCM, Chengannur and it is stated that the criminal cases filed under the N.I.Act and the execution proceedings could not be mentioned in the earlier round by mistake.

The writ petition is disposed of directing the respondent to consider and take a decision on Ext.P2. If the petitioner produces evidence regarding the pendency of the criminal cases and if the respondent is satisfied of the genuineness of the claim of the petitioner, the amount representing either DCRG or Commuted Value of Pension, whichever is higher will be released to the petitioner. A decision will be taken as aforesaid within six weeks from the date of receipt of a copy of this judgment. The amount due as Staff Welfare Fund shall be released to the petitioner within ten weeks from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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